

Appln. No. 10/035,421
Amendment dated July 18, 2003
Reply to Office action of April 22, 2003

REMARKS

Applicant has carefully reviewed the Examiner's April 22, 2003, Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

Claims 9-16 remain in the application for consideration.

In response to the Examiner's objection to the drawings, specification and claims, Applicant has:

- 1) amended Fig. 6 to delete the underlining of element 3;
- 2) changed the title of the application to that suggested by the Examiner,
- 3) amended the description of Figs. 1 and 2 to change the word "conventional" to --prior art--,
- 4) amended the abstract to correct the misspelling of "tubers" to --tubes--, and
- 5) amended claims 11 and 13 to correct the misspellings therein.

Applicant respectfully traverses the Examiner's requirement to number the pages of the drawings consecutively as the Examiner incorrectly indicates is required by 37 C.F.R. 1.84(f). 37 C.F.R. 1.84(t) was instituted in 1993 to merely allow and instruct applicants on how to number the pages of drawings if they choose to do so. A clear reading of this provision and its legislative history (enclosed herewith)

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makes clear that such numbering is not mandatory but merely permissive. Applicant respectfully requests that the Examiner's objection be withdrawn.

Applicant respectfully submits that the Examiner's objection to the drawings, specification and claims has now been overcome.

The Examiner has further rejected claims 9 and 12 under 35 U.S.C. § 102(b) as being anticipated by King '047 and claims 11 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over King in view of Kobayashi '286. Applicant respectfully traverses these rejections for the following reasons.

The freeze-drying apparatus for foodstuffs and medicaments disclosed in the King patent is constructed with; 1) a main body part comprising an upright cylindrical tube 6 enclosed in a cylindrical chamber 2; 2) a duct 4 extending out from chamber 2; 3) a recovery chamber 19 with a valve 18 connected to the bottom part of chamber 2; and 4) an inlet port 8 defined in the tube 6 for feeding liquid material into the tube through a tube passageway 7. In the construction of the apparatus, chamber 2 is provided with a plate 16 between the inner surface of chamber 2 and the outer periphery of the tube 6 which divides into a plurality of sections in a vertical direction. Clearance 17 in plate 16 permits a heat medium to be circulated over tube 6 to provide a desired temperature level at each section as divided.

The construction of the King is similar to the claimed apparatus in only its outer appearance. With respect to the upright cylindrical tube 6 for freezing liquid material, its operating principle is completely different from that of the claimed invention. Clearly, no freeze-drying takes place in the King apparatus, as it is directed to only the freezing of a liquid material.

King's apparatus forms a refrigerated film on the outer surface 11 of the upright refrigerated tube 6 which is disposed concentrically within chamber 2 (see column 3, line 38 to column 4, line 18, and Claim 11, lines 4-16 (column 8, lines 14 to 26)). Tube 6 clearly has no opening at its bottom.

In comparison, the claimed invention is made so that the dessicated bulk of the liquid material is held on the inner wall surface of the tube 1 which is open at its bottom and connected to a vacuum exhaust system at its upper end opening, and, at the completion of the freeze-drying operation, the supporting members 7 are retracted within the inner wall of the tube 1 to enable the dessicated bulk of the liquid material to drop into the recovery chamber 4 through the open bottom part of the tube. This is not at all taught by King.


Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly,

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Applicant respectfully solicits the Examiner's early review
and issuance of this application.

Respectfully submitted,

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and they must be executed in the same way as other lines in drawing.

(r) Arrows. This paragraph is proposed to be relocated from current § 1.84(g) and to be revised to indicate the meaning of the use of arrows, and to show that they may be used at the end of lead lines only if their meaning is clear.

(s) Copyright or mask work notice. This paragraph is proposed to be relocated from current § 1.84(o).

(t) **Numbering of sheets of drawings.** This paragraph is proposed to be relocated from current § 1.84(n) and to be changed and broadened to allow for the placement of sheet numbers within the sight of the drawing. It is preferable that the sheets be numbered with two Arabic numerals placed on either side of an oblique line, with the first number being the sheet number and the second the total number of sheets of drawings.

(u) Numbering of views. This paragraph is proposed to be relocated from current § 1.84(i) and, for clarity, to be separately identified in this new section. Use of the abbreviation "FIG." must precede all view numbers.

(v) Security markings. This paragraph is proposed to be relocated from current § 1.84(l) to provide that security markings may be placed on the drawings if they are outside the sight and preferably centered in the top margin.

(w) Corrections. This paragraph is proposed to provide that any corrections made on drawings submitted to the Office must be durable and permanent. The language is revised from current § 1.84(a) which prohibits the use of white pigment to cover lines.

(x) Holes. This paragraph is proposed to be relocated from current § 1.84(b) to permit two holes to be punched in the top margin of the drawings with their centerlines spaced 7.0 cm. (2 3/4 inches) apart.

Section 1.88 is proposed to be removed and reserved since the changes effective January 1, 1991, in § 1.85(b) make the regulation regarding the transfer of drawings unnecessary. Since the Office no longer releases drawings from patent applications, generally applicants are retaining the master copy of the drawings. Accordingly, applicants can easily file a copy of drawings in an application and therefore eliminate the need for the office to transfer drawings. Any situations which prevent a hardship to applicants may be accommodated by the filing of a petition under §

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1153 O.G. 33-39 July 14, 1993

Patent and Trademark Office

37 CFR Part 1

Changes in Patent Drawing Standards

Agency: Patent and Trademark Office, Commerce

Action: Final Rule

Summary: The Patent and Trademark Office (Office) is amending the rules of practice regarding patent drawings to adopt international standards and to eliminate unnecessary requirements. The Office is amending the rules to provide clarification and adopt international standards; to delete the reference to changes by bonded draftsmen since the Office will no longer release drawings from patent applications and to include the option of submitting black and white photographs in lieu of black ink drawings.

Effective Date: October 1, 1993. These rules will be applicable to all drawings and papers filed with the Office on or after the effective date.

For Further Information Contact: Richard A. Bawcombe by telephone at (703) 305-8594, by mail marked to his attention addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, or by facsimile transmission to his attention at (703) 305-4372.

Supplementary Information: In a Notice of Proposed Rulemaking published in the *Federal Register* (57 FR 42721) on September 16, 1992, and in the Patent and Trademark Office *Official Gazette* (1143 Off. Gaz. Pat. Office 13) on Oct. 6, 1992, the Office proposed to amend the rules of practice in patent drawings. Drawings acceptable for patent applications filed outside of the United States are not always acceptable in a patent application filed in the United States. Therefore, the rules relating to drawing requirements are being amended to enable the Office, when

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